



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 27, 1998

Mr. Haygood Gulley
Doran, Gulley & Etzel
307 E. 10th Street
Del Rio, Texas 78842-0248

OR98-1044

Dear Mr. Gulley:

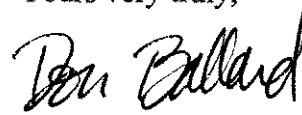
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114873.

The San Felipe Del Rio Consolidated Independent School District (the "district"), which you represent, received a request for all information gathered during a specified investigation. You assert that the requested information is excepted from required public disclosure by section 552.108(a)(2) of the Government Code. You have submitted the requested information for our review.

Although the Office of the Attorney General will not ordinarily raise exceptions on behalf of governmental bodies, we will raise mandatory exceptions like sections 552.101. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987). Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." It appears that the department is a law enforcement agency as designated by section 37.081 of the Education Code. Thus, we believe in this case that the submitted information is confidential under the Family Code. We have previously found that section 58.007 of the Family Code does not make confidential juvenile law enforcement records concerning juvenile conduct occurring on or after January 1, 1996, that are maintained by law enforcement agencies. Open Records Decision No. 644 (1996). However, the Seventy-fifth Legislature passed House Bill 1550 which amends the Family Code. Act of June 2, 1997, H.B. 1550, 75th Leg., R.S., ch. 1086, § 20, 1997 Tex. Gen. Laws 4179, 4187. Juvenile offender records held by law enforcement agencies are now expressly confidential under section 58.007(c) of the Family Code. Notwithstanding, section 58.007(c) only applies to juvenile law enforcement records concerning conduct that occurred on or after September 1, 1997. Because the conduct at issue here occurred after September 1, 1997 by a "child," you must withhold the requested records. *See* Fam. Code § 51.02 (1)(defining "child").

Because we make a determination under section 552.101, we do not consider your argument under section 552.108. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 114873

Enclosures: Submitted documents